

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,) **COMPLAINT FOR**
) **FORFEITURE *IN REM***
v.)
) Civil Action No.:5:18cv120
APPROXIMATELY \$12,343 IN FUNDS)
SEIZED FROM STIRLING ALDON)
MENZIES,)
Defendant.)

Now comes the United States of America, Plaintiff herein, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, in a civil cause of forfeiture, and respectfully states the following:

INTRODUCTION

1. This is a civil action *in rem* against approximately \$12,343 in United States Currency seized from Stirling Aldon Menzies which, upon information and belief, was used to transport or to facilitate the transportation, sale, receipt, possession or concealment of controlled substances, in violation of 21 U.S.C. § 841, is subject to forfeiture to the United States. 21 U.S.C. §881(a)(4).
2. Procedures for this action are mandated by 21 U.S.C. § 881, 18 U.S.C. § 983, 19 U.S.C. §§ 1602-1621 and, to the extent applicable, the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. This Court has jurisdiction over this matter by virtue of 28 U.S.C. §§1345 and 1355.
3. This Court has venue in this matter pursuant to 28 U.S.C. §1395.
4. The defendant property has been seized on land, is now within, and during the pendency of this action will remain within the Western District of North Carolina.

5. The Defendant is all present and future interest in the following property:
 - a. approximately \$12,343 seized from Stirling Aldon Menzies at his residence located at 1121 Bamboo Road, Boone, NC 28607.

FACTUAL BACKGROUND

1. As part of an ongoing investigation into drug trafficking in the Boone area, Watauga County Sheriff's Office began investigation purchases of cocaine at 1121 Bamboo Road, Boone, NC 28607.
2. Shortly thereafter, based on the development and outcome of the investigation, the Watauga County Sheriff's Office enlisted the assistance of the Drug Enforcement Administration (DEA) in the ongoing narcotics trafficking investigation.
3. On February 19, 2018, at the direction of the Watauga County Sheriff's Office, A Confidential Reliable Informant purchased a quantity of cocaine from Stirling Aldon Menzies at 1121 Bamboo Road.
4. As observed by Law Enforcement, the Informant approached a blue door on the upper floor of the residence.
5. Prior to performing this deal, the Informant and his vehicle were searched and followed to the residence.
6. After the Informant left the residence, he was followed to a predetermined location and Watauga County Detective John Hollar took control of the suspected cocaine, which was confirmed by a positive field test.
7. The Informant stated that he purchased cocaine, marijuana and ecstasy from Menzies on several previous occasions.

8. Following the controlled-buy, Detective Hollar applied for a search warrant for 1121 Bamboo Road, Boone, NC 28607 in the General Court of Justice in Watauga County.

9. On February 21, 2018, the search warrant was issued by the Hon. Joe Robinson, Magistrate Judge.

10. Immediately following the issuance of the search warrant, Law Enforcement Officers traveled to 1121 Bamboo Road and secured the residence for execution of the search warrant.

11. The Officers made a soft entry and located 4 occupants in the residence, including Sterling Menzies.

12. During the search of the home, the following was located in Menzies's bedroom:

- a. a set of digital scales;
- b. a bag of mushrooms,
- c. a bag of cocaine,
- d. 2 bundles of United States currency, and
- e. edible chocolates containing marijuana.

13. Officers also located a white coin canister on Menzies's dresser that contained additional United States Currency and an opium poppy.

14. Adjacent to the dresser, Officers located a small burgundy bag that contained an additional

- a. 2 packages of cocaine,
- b. a vacuum seal bag (open) containing numerous green pressed tablets,
- c. a large vacuum seal bag of marijuana,
- d. edible chocolates containing marijuana, and
- e. a glass jar that contained marijuana soaking in liquid.

15. In Menzies's closet Officers also found numerous jars containing marijuana located on a shelf.
16. In the same closet, Officers also located a bag that contained a three gallon sized Ziploc bag of mushrooms.
17. On a shoe rack in the closet an opened vacuum seal bag was located that also contained marijuana.
18. Officers also located United States Currency in clothes that were hanging in the closet.
19. On a book case Officers located additional drug paraphernalia and United States Currency between individual books.
20. Officers also located a back bag that contained Untied States Currency.
21. Officers also located a tan bag that contained multiple bundles of Untied States currency between the mattress and the box spring of the bed within Menzies's bedroom.
22. Beside the bed Officers found a safe that contained ecstasy tablets and unknown white tablets along with drug paraphernalia.
23. Also beside the bed, Officers located a black case that contained marijuana and multiple pills.
24. During a search of Menzies's vehicle, Officers located a red money bag in the glove box.
25. A key located in Menzies's bedroom opened the bag which contained three bundles of United States Currency.
26. Additional drug paraphernalia was located throughout the house.
27. Marijuana and drug paraphernalia were also found in the bedroom of occupant Peter Marsden.

28. Within the home, Officers also found water bongs, a notebook, and a blue box with tin foil containing blotter paper adjacent to business cards for Menzies's business in the basement.
29. Officers also located 2 jars of marijuana, scales, pipe, a grinder, and a wax paper with Butane Hash Oil (BHO) located on the coffee table in the living room.
30. In total, Officers recovered 61 grams of cocaine, 496 grams of mushroom, 670 dosage units of LSD, and 2,754 tablets of Xanax.
31. In total, Officers recovered \$12,343.00 from Menzies's vehicle and home.
32. At the conclusion of the search warrant, Menzies cooperated with the Watauga County Sheriff's Department and named an individual as his cocaine source of supply.
33. Menzies provided law enforcement with the source's location and indicated that he normally purchases 2-3 ounces of cocaine from the source once a week.
34. In light of Menzies's cooperation and valuable information, Menzie was released and not arrested at the time of the search warrant execution.
35. However, the narcotics investigation remains ongoing.

PRAYER FOR RELIEF

36. By virtue of the foregoing, all right, title, and interest in the defendant property vested in the United States at the time of the commission of the unlawful act giving rise to forfeiture, 21 U.S.C. §881(h), and has become and is forfeitable to the United States of America.
37. Upon information and belief, the following persons may have or claim an interest in the defendant property:

Stirling Aldon Menzies
1121 Bamboo Road
Boone, NC 28607

George B. Currin, Esq.
Post Office Box 8594

Asheville, NC 28814

WHEREFORE, the United States of America respectfully prays the Court that:

- (1) a warrant for the arrest of the Defendant be issued;
- (2) due notice be given to all parties to appear and show cause why the forfeiture should not be decreed;
- (3) judgment be entered declaring the defendant to be condemned and forfeited to the United States of America for disposition according to law; and
- (4) the United States be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action, including but not limited to the expenses of maintenance and protection of defendant property as required by 28 U.S.C. §1921.

Respectfully submitted, this the 30th Day of July, 2018.

**R. ANDREW MURRAY
UNITED STATES ATTORNEY**

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VERIFICATION

Michael W. Beam deposes and says under penalty of perjury;

I am a Special Agent with the Drug Enforcement Administration and one of the agents assigned to this case.

I have read the foregoing Complaint and the factual information contained therein is true according to the best of my knowledge, information, and belief.



SA Michael Beam

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I certify that Barney Malone personally appeared before me this day, acknowledging to me that he signed the foregoing document.

This the 30th day of July, 2018.

Renae R. Elam
Notary Public
My Commission Expires: Sept. 25, 2021

